

Serial No: 10/647,560  
Amendment and Response

Filed: August 25, 2003

### **REMARKS**

Claims 1-42 are pending and have been examined. Applicant has amended independent Claims 22, 30, and 42 and dependent Claims 28 and 29 to maintain antecedent basis and to clarify that which was previously claimed. Applicant has added Claims 43-45. Claim 43 is supported at least in paragraphs 92 and 96 of the specification. Claims 44 and 45 are supported at least in paragraph 26 of the specification.

To clarify the use in the pending claims and to hereby provide notice to the public, the phrase "at least one of <A>, <B>, ... and <N>" is defined by the Applicant in the broadest sense, superceding any other implied definitions herebefore or hereinafter unless expressly asserted by the Applicant to the contrary, to mean one or more elements selected from the group comprising A, B, ... and N, that is to say, any combination of one or more of the elements A, B, ... or N including any one element alone or in combination with one or more of the other elements which may also include, in combination, additional elements not listed. This definition adds no new matter and is supported by the specification.

Reconsideration and allowance of the now pending claims is respectfully requested in view of the amendments to the claims and the following remarks.

#### **Rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a)**

Claims 1-3, 8-10, 15-24, 27-32, 35-39, and 41-42, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 7,069,161 (hereinafter Gristina). *See*, Office Action, item 4, pg. 2. In addition, claims 4-7, 25, 33 and 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gristina in view of U.S. Pat. No. 6,000,034 (hereinafter Lightbody). *See*, Office Action, item 7, pg. 9. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gristina in view of Lightbody and in further view of U.S. Pat. No. 6,351,810 (hereinafter Flyntz). *See*, Office Action, item 8, pg. 10. Claims 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gristina in view of Flyntz. *See*, Office Action, item 9, pg. 12.

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**1. Claims 1-21**

The rejection recites that Gristina, col. 8, lines 26-32, describes "the processor configured to concurrently provide a first intelligent electronic device functionality comprising a first security access and a second intelligent electronic device functionality comprising a second security access; wherein the first security access and the second security access are each configured to provide user access to at least one mutually exclusive function."

Applicant submits that the recited portions of Gristina describes that the building owners and tenants can access integrated data through a remote computer 40 over the internet or via a local computer from a central data collection and processing device 30. However, the central data collection and processing device 30 is not the same as the claimed intelligent electronic device because Gristina's central data collection and processing device does not teach or suggest "a sensor configured to be coupled with the electrical circuit," as Claim 1 requires.

Moreover, Gristina does not teach or suggest, as Claim 1 requires, "a processor coupled with the sensor, wherein the processor is configured to generate a measurement signal indicative of the at least one of current and voltage in response to the signal [and]... to concurrently provide a first intelligent electronic device functionality" which includes "a first security access" and "a second security access." In fact, Gristina's central data collection and processing device does not include "a sensor" and is not "configured to generate a measurement signal indicative of the at least one of current and voltage in response to the signal," as required by Claim 1. "A claim is anticipated only if each and every element as set forth in the claim is found ... in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Finally, the rejection further notes that "the tenants can access data relative to their own resource whereas the building owner can access all of the information." See, Office Action, pg. 3. Yet, Claim 1 requires that "the first security access and the second security access are configured to provide user

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access to at least one **mutually exclusive function**." Thus, the rejection explicitly distinguishes Gristina from Claim 1 because the building owner can access all of the functionality of the central data collection and processing device 30 and each tenant can each access a portion of the functionality of the central data collection and processing device 30. Therefore, Gristina describes the opposite of the recited limitation of "at least one mutually exclusive function," as Claim 1 requires.

As a result, Applicant respectfully submits that Gristina does not anticipate Claim 1 because Gristina does not teach or suggest each and every limitation of the claimed intelligent electronic device. Moreover, at least for the reason that Claim 1 is in form for allowance, dependent Claims 2-21 are also in form for allowance.

The rejection recites that Claim 2 is taught in Gristina, col. 8, lines 45-67. Applicant submits that the recited portion describes a building resource manager system 55 communicating with a central data collection and processing device 30, where the building manager resource system 55 includes functions such as controlling HVAC, lighting, switchboard and security. *See*, Gristina, col. 8, lines 48-54. Furthermore, the central data collection and processing device 30 gathers and processes information to be fed to the building's management resource system 55. *See*, Gristina, col. 8, lines 58-62. Finally, the recited portion describes the central data collection and processing device 30 merely receives **real time energy pricing information reports**, which are then relayed to the building's management resource system 55. The building's management resource system 55 then controls the building's thermostat to reduce energy consumption.

In sharp contrast, Gristina does not describe the intelligent electronic device of Claim 1 having "a first intelligent device functionality and a second intelligent device functionality," as required by Claim 2. Furthermore, as discussed above and noted on page 3 of the office action, Gristina does not teach or suggest the limitations of "device functionality that each exclusively comprise at least one of a circuit breaker control functionality, a power quality functionality, a billing power monitoring functionality, a protective relay functionality, and a sequence of events." Moreover, Gristina does not describe an intelligent

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electronic device having a functionality of at least one of "circuit breaker control functionality, a power quality functionality, a billing power monitoring functionality, a protective relay functionality, and a sequence of events recording functionality," as required by Claim 2. As a result, Gristina does not anticipate Claim 2.

The rejection further recites that Claim 3 is anticipated by Gristina, col. 8, lines 26-32. However, as previously discussed above, Gristina merely describes allowing the building owners/managers and building tenants to access the integrated data stored in the central collection/processing station 30 via the internet or a local computer 35. As a result, Gristina does not teach or suggest the limitation of "the first security access is enabled with a first user identification" or "the second security access is enabled with a second user identification," to provide user access to at least one mutually exclusive function of the intelligent electronic device as required by Claim 3. Therefore, Claim 3 is not anticipated by Gristina because Gristina fails to describe each and every limitation of Claim 3. As a result, Claim 3 is in form for allowance as well as its respective dependent claims.

The rejection also recites that Gristina, col. 8, lines 33-34 describes dependent Claim 15. Applicant respectfully submits that the recited portion of Gristina describes non-tenant and non-owner/manager party access to "the building's resource consumption data and resource delivery and utilization structure." However, Gristina fails to describe the intelligent electronic device having "a first processor" and "a second processor" as required by Claim 15. Moreover, Gristina does not describe, as required by Claim 15, "the first processor configured to provide the first intelligent electronic device functionality" or "a second processor configured to concurrently provide the second intelligent electronic device functionality." Therefore, Claim 15 is not anticipated by Gristina because Gristina does not describe each and every limitation of Claim 15. For at least this reason, Claim 15 and the respective dependent claims are in form for allowance.

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2. Claims 22-29

The rejection of Claim 22 recites that Gristina, col. 7, lines 44-67 describes "providing an intelligent electronic device that includes a sensor interface configured to operably couple to a power system sensor, the intelligent electronic device configured to monitor an electrical parameter of an electrical circuit in a power system." *See*, Office Action, pg. 5. Applicant notes that the recited portions of Gristina refer to monitoring devices 15 and metering devices 20 that are associated with a building's resource utilization and delivery structures 25. The rejection also recites that Gristina, col. 8, lines 5-32 describes "prompting for entry of a user identification with the intelligent electronic device." Applicant further submits that the recited portion describes the process of a central data collection and processing device 30 gathering information collected by monitoring devices 15 and metering devices 20. Hence, Gristina describes a central data collection and processing device 30, which does not include "a sensor interface configured to operably couple to a power system sensor." Thus, Gristina does not describe the intelligent device including a sensor interface and "prompting for entry of a user identification to access the functionalities of the intelligent electronic device," as required by amended Claim 22.

Moreover, the recited portion of Gristina does not describe "allowing access to a first intelligent electronic device functionality . . . only as a function of entry of a first user identification," as further required by Claim 22. Nor does Gristina describe "allowing access to a second intelligent electronic device functionality . . . as a function of entry of a second user identification," as described by amended Claim 22. Instead, as previously discussed, Gristina describes accessing data collected at a central data collection and processing device 30 where the central data collection and processing device 30 does not include "a sensor interface" and is not "configured to monitor an electrical parameter of an electrical circuit in a power system," as described by amended Claim 22.

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Finally, as discussed above, the rejection notes that "the tenants can access data relative to their own resource whereas the building owner can access all of the information." *See*, Office Action, pg. 3. However, Claim 22 requires that "the first intelligent electronic device functionality and the second intelligent electronic device functionality **both include independent functions.**" Thus, as discussed above, the rejection explicitly distinguishes Gristina from Claim 22.

As a result, Gristina does not describe, as Claim 22 describes, an intelligent electronic device configured to monitor an electrical parameter of an electrical circuit in a power system and prompting for entry of a user identification in order to access the functionality provided by the intelligent electronic device. Therefore, for at least these reasons, Gristina does not anticipate amended Claim 22. Therefore, amended Claim 22 and the respective dependent Claims 23-29 are in form for allowance.

### 3. Claims 30-36

The rejection recites that Claim 30 is rejected along similar rationale as the method Claim 22 and notes that "the action of storing in memory is taught in Gristina, col. 8, lines 5-24, [because] (sic) a processor utilizing databases stores data." *See*, Office Action, page 6.

As previously discussed above, the cited portions of Gristina describe accessing data that is stored in a central data collection and processing device 30 and not an intelligent electronic device configured to monitor electrical parameters, as is described in Claim 30. Applicant has amended Claim 30 to include "a sensor interface coupled to the processor and positioned proximate to the processor, the sensor interface configured to operably couple with a sensor coupled with the electrical circuit, and the processor configured to at least one of monitor, meter, measure, and control the electrical circuit." As amended, Claim 30 is not anticipated by Gristina. As a result, Claim 30 is in form for allowance as well as the respective dependent Claims 31-36.

The rejection of Claim 32 recites that Gristina, col. 6, lines 51-61 describe the limitation of "the processor is configured to operate the first and second

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intelligent electronic device functionalities concurrently." See, Office Action, pg. 7. Applicant respectfully submits that the recited portions merely describe a power grid identification study, which is a type of field study or survey that can be conducted on a building and stored in a database. However, Applicant submits that the recited portion does not describe a processor or any intelligent electronic device functionalities carried out by an intelligent electronic device as described in Claim 32. As a result, Claim 32 is not anticipated by Gristina.

**4. Claims 37-41**

The rejection recites that Claim 37 is "rejected along similar rationale" as the method of Claim 22 because Claim 37 "is directed to an intelligent electronic device configured to monitor and store instructions performing the method of Claim 22." See, Office Action, pg. 7. The rejection of Claim 22 recites that Claim 22 is taught in Gristina, col. 7, lines 44-67 and col. 8, lines 5-32.

Applicant submits that on close inspection, Claim 37 has different limitations than Claim 22 and, as a result, Claim 37 has a different claim scope.

As discussed above, the recited portion of Gristina describes the process of a central data collection and processing device 30 gathering information collected by monitoring devices 15 and metering devices 20. Yet, Claim 37 requires "instructions in the memory device to concurrently perform billing power monitoring functionality and protection relay functionality as a function of the sensed electrical parameters," which is neither taught nor suggested in Gristina.

Moreover, Gristina does not teach or suggest either instruction in the memory device "to allow access to the billing power monitoring functionality only when a first user identification is provided" or "to allow access to the protective relaying functionality only when a second user identification is provided."

Therefore, Gristina does not anticipate Claim 37, and Claim 37 is in form for allowance. For at least these reasons, the respective dependent Claims 38-41 are also in form for allowance.

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5. Claim 42

The rejection of Claim 42 recites that Gristina, col. 8, lines 1-25 and 26-44, describe independent Claim 42. Applicant has amended Claim 42 to include "retrieving from a memory of the intelligent electric device a security access entry for presentation on the display of the intelligent electronic device, the intelligent electronic device configured to operably couple to an electrical circuit," which is neither taught nor suggested by Gristina. As a result, Applicant respectfully submits that independent Claim 42 is in form for allowance.

Conclusion

Applicant believes the application as now amended should be allowed and passed to issue. If there remains an outstanding issue that may be suitable for resolution by way of a conference, the subscribing attorney would welcome a telephone call from the Examiner.

Respectfully submitted,



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